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COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

THE PEOPLE,

Plaintiff and Respondent,

v.

VINCENT J. DAUGUSTA,

Defendant and Appellant.

D042615

(Super. Ct. No. SCD166996)

APPEAL from a judgment of the Superior Court of San Diego County, William D. Mudd, Judge. Affirmed.

After the trial court denied a motion to suppress evidence (Pen. Code, § 1538.5),¹ Vincent J. Daugusta entered a negotiated guilty plea to eight counts of robbery (§ 211). The court sentenced him to prison for five years: the two-year lower term on one count with consecutive terms of one year each on three of the other counts and concurrent terms

¹ All statutory references are to the Penal Code.

on the remaining counts. The court ordered Daugusta to pay \$23,546 restitution to the victims. The record does not include a certificate of probable cause. (Cal. Rules of Court, rule 30(b), former rule 31(d).)

DISCUSSION

Appointed appellate counsel has filed a brief setting forth the evidence in the superior court. Counsel presents no argument for reversal but asks this court to review the record for error as mandated by *People v. Wende* (1979) 25 Cal.3d 436. Pursuant to *Anders v. California* (1967) 386 U.S. 738, counsel refers to as possible but not arguable issues: (1) whether the trial court erred in denying the motion to suppress; (2) whether Daugusta's guilty plea was constitutionally valid; (3) whether the sentence was in accord with the plea agreement; and (4) whether there is a sufficient factual basis for the guilty plea.²

We granted Daugusta permission to file a brief on his own behalf. He has not responded. A review of the entire record pursuant to *People v. Wende, supra*, 25 Cal.3d 436, including the possible issues referred to pursuant to *Anders v. California, supra*, 386 U.S. 738, has disclosed no reasonably arguable appellate issue. Competent counsel has represented Daugusta on this appeal.

² Because Daugusta entered a guilty plea, he cannot challenge the facts underlying the convictions. (§ 1237.5; *People v. Martin* (1973) 9 Cal.3d 687, 693.) We need not recite the facts.

DISPOSITION

The judgment is affirmed.

HUFFMAN, Acting P. J.

WE CONCUR:

NARES, J.

McDONALD, J.